

PLAN AND ZONING COMMISSION MEETING

PZ_AF_01-28-2019

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, January 28, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Present
Hatfield.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of January 14, 2019

Chairperson Erickson asked for any comments or modifications to the January 14, 2019 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Drake, the Plan and Zoning Commission approved the January 14, 2019 meeting minutes.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent

Motion carried.

Item 2 – Public Hearings

Motion to reorder the agenda to move Item 2c forward in the agenda by Commissioner Crowley, seconded by Commissioner Andersen. Motion Passed.

2c - Grand Valley, NE corner of S 35th Street and Grand Avenue - Amend the Grand Valley PUD to modify miscellaneous residential bulk area standards - Russell Ver Ploeg (CRVP, LLC) - ZC-004127-2018

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on **January 18, 2019**.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Southworth, seconded by Commissioner Andersen, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent

Motion carried.

Bob Gibson, Civil Design Advantage, 3405 SE Crossroads Dr Suite G, Grimes, informed that he was not asking for anything different than what's approved; noting they are clarifying setbacks. He noted that the owner, who was present, has a pending agreement with a potential developer for Parcels B and C which are single family detached units on 50 foot lots with a front setback of 25 feet, side yards are 5 and 7 for 12 foot total. On Parcel D, multifamily, they are asking for reduced setbacks against Parcel E as the existing pond will increase the actual separation to several hundred feet from adjacent uses. They would like to reduce the open space on Parcel D between they have 7 acres of open space where the pond is.

Commissioner Crowley clarified that the setbacks they would like changed were along the pond. Mr.

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Gibson affirmed that was correct for Parcel D, and that no additional space was being requested to the east or off Grand.

Brad Munford, Development Services Planner, informed that Staff wanted to make sure what is being presented will fit the context of the neighborhood. The original concept showed duplexes on the property, but now they're dealing more with single family. For Parcels B and C, the applicant wants to adjust the setbacks to provide more usable space. Staff recommend approval with no conditions.

Commissioner Costa asked what the multi-family zoning allows for units per acre. Planner Munford responded that the full PUD is RM-7. Staff took the density for overall parcels A-E and allowed it to be shifted in some areas. Single family is being allowed along the north, then as the density develops southward, they can shift the density down. 240-241 units are allowed for the full development. Parcel D is where they will end up.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the zoning change.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

2a - Continental Plaza, 7300 Westown Parkway - Rezone approximately 1.08 acres from Professional Commerce Park (PCP) to Support Commercial (SC) - Penta Partners, LLC -ZC-004173-2018

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on **January 18, 2019**.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Drake, seconded by Commissioner Andersen, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

Erin Ollendike, Civil Design Advantage LLC, 3405 SE Crossroads Dr, Suite G, Grimes, presented on behalf of Penta Partners, owner and developer of the project. She summarized that they are requesting 1.4 acres to be rezoned from PCP to Support Commercial, to allow for a coffee shop on the corner of Jordan Creek Parkway and Westown Parkway. This project is designed to be complimentary to the businesses and hotels existing and planned for that corner.

Brad Munford, Development Services Planner, stated that the area itself is currently zoned PCP, which is more office development. The area to the north is zoned Business and Commercial with underlying support commercial. The applicant is proposing to bring a little of that support commercial for the 1.4 acres to allow for a possible coffee shop with drive-thru. Planner Munford pointed out the plan is

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compatible with the area and also with the comp plan. Code requires minimum acreage of 1.38 for rezoning, therefore the applicant is being asked to expand the legal description to meet that minimum and to submit that prior to Council's next meeting. Planner Munford noted that traffic was a paramount issue when this project was first brought to subcommittee. During certain times of the day, the traffic level is close to an unacceptable level. To mitigate that, a condition is being included to limit zoning to uses that do not increase the peak traffic levels higher than currently shown on the traffic study. Future applications would be reviewed to determine if new uses would fit the traffic demand.

Chairperson Erickson clarified that the staff report included this language, so the motion did not require any additional working. Planner Munford affirmed that and recommended approval with the stipulation to expand the legal description, and condition of zoning approval that no future uses would create a negative situation for the traffic.

Commissioner Southworth questioned whether this type of restriction was used across the city of West Des Moines. Planner Munford responded that typically the City places these conditions in a PUD, however with this project, Staff had more detail available than usual which made them comfortable with inserting a condition.

Commissioner Costa questioned Planner Munford about access to the site with a closed median. Planner Munford informed that at the time of the traffic study, not all of the access drives had been constructed. Additional access will reduce some of the current traffic issues, and a cross-access agreement is being worked out between property owners. The plan is to have a cross-access across multiple properties. Commissioner Costa noted he has not been aware of any discussion of this access agreement, and Ms. Ollendike noted she has not spoken with the adjacent property owners, and is providing an easement up to the property line. Planner Munford stated he has been in contact with Knapp Properties and would reach out again. He also pointed out that any future development would require an access agreement.

Commissioner Southworth asked what other types of use could be made of this property. Planner Munford responded that any use that doesn't create issues with traffic could be considered, such as a donut shop, bagels, or more of a breakfast place.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, Chairperson Erickson closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Drake, seconded by Commissioner Crowley, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the rezoning.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

2b - Kivell Property, 655 S 88th Street - Consistency zone approximately 8.37 acres from Unzoned to High Density Residential (RH) – City Initiated – ZC-004188-2019

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on **January 18, 2019**.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Southworth, seconded by Commissioner Crowley, the Plan and Zoning

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Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

Brad Munford, Development Services Planner, stated this rezoning is staff initiated. The property was annexed in 2006 and not zoned at that time. The City is zoning it for consistency, for future development which will be high density.

Chairperson Erickson asked if the existing owner approves of this action, and is looking to sell to a developer who will put high density residential in. Planner Munford agreed, noting that the property has not been sold yet.

Marilyn Mueller, 8820 Mills Civic Parkway, stated she has owned her 100-year old property since 1980. She noted she was not here to oppose the project, but voiced her concerns about light pollution, increased traffic and barriers between her property and new development.

Chairperson Erickson asked Planner Munford to address the concerns. Planner Munford responded that the motion this evening pertains to zoning for future development, and that the developer would bring forth a site plan for staff review at a later date. Code requires landscaping buffering of either 30 foot with plush landscape or 60 foot for distance buffering. Lighting would be addressed and staff would work with future developers to encourage shielded light fixtures and to restrict how much light can bleed over the property line.

Chairperson Erickson asked how Ms. Mueller would be informed about the site plan, as these applications are not publicly noticed. Planner Munford stated he would provide his contact information to Ms. Mueller and keep her in mind when the site plan moved forward.

Commissioner Costa asked why the City was initiating the change, rather than the homeowner. Planner Munford responded that the zoning should have taken place in 1972, but as it wasn't taken care of at that time, Staff felt it was better to have the City take that step rather than make the applicant pay for it.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the rezoning request.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

2d – Amendment to City Code, Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations) Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) to update regulations pertaining to building setback and separation requirements and bulk density regulations – City Initiated - AO-003581-2017

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Moines Register on **January 18, 2019.**

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

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Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

Linda Schemmel, Development Services Coordinator, informed that updating this ordinance has been a two year process, first initiated with addressing concerns of multi family home developers struggling with setbacks, and progressed to addressing needed updates within several chapters in Title 9. The majority of these changes are in the Bulk Regulations chapter. Ms. Schemmel added that she staff report includes a commentary of the changes being made.

Commissioner Costa requested an overview of the ordinance revisions. Ms. Schemmel pointed out several areas being updated including setbacks for different types of residential areas, commercial and residential bulk regulations, allowing detached townhomes in single family zoning to support infill without changing density, setback requirements in historic areas, bringing consistency in requirements for neighborhoods with differing zoning, architectural requirements needing more specificity, and avoiding garage dominated front facades for residences.

Commissioner Southworth questioned regulations pertaining to second homes being built next to primary residences; she also commented that neighborhood covenants may not allow this. Commissioner Costa raised questions about balancing architectural requirements against construction costs, and comparing West Des Moines requirements with other metro area standards. Chairperson Erickson asked questions regarding number of houses on a lot, and division of parcels which might disrupt neighborhood continuity. Commissioner Costa questioned when parkland requirements would apply to subdivision of lots. Commissioner Southworth questioned amending the ordinance to allow for more consistency of Board of Adjustment variances.

Ms. Schemmel addressed the questions and noted that Code currently allows the addition of a second home to a primary lot for the larger lot residential areas and that this was not being affected by the ordinance update. She also stated that the City does not have a minimum required square footage for residential homes.

Chairperson Erickson recommended continuing the discussion to a date certain, allowing Staff time to provide more information addressing Commission concerns.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Southworth to continue this item to February 25, 2019, seconded by Commissioner Drake.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Southworth.....Yes
Hatfield.....Absent
Motion carried.

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Item 3 – Old Business

There were no Old Business items to address.

Item 4 – New Business

Commissioner Andersen exited the meeting at 6:40 pm.

4a – Microsoft DSM09-10, Southwest corner of the future extension of Veterans Parkway and Interstate 35 –Subdivide property into 2 lots, 2 street lots, and 1 Outlot for construction of a datacenter and electrical substation – Microsoft Corporation – PP-004070-2018

Ryan Hardisty, Civil Design Advantage, 3405 SE Crossroads Dr, Suite G, Grimes, stated he was present on behalf of Microsoft. They are applying to develop 2 data centers and an electrical substation. He noted the location and commented on preparatory work already being done onsite.

Brian Portz, Development Services Planner, stated Staff are looking at the site plans for the buildings now, and they will be coming forward in a couple weeks.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the preliminary plat subject to the applicant meeting all City Code requirements and the following:

1. Outlot Z shall be dedicated by the applicant as public right-of-way for a Veterans Parkway/I-35 interchange at the appropriate time per the terms of the Osmium development agreement.

Vote: Costa, Crowley, Drake, Erickson, Southworth.....Yes
Andersen, Hatfield.....Absent

Motion carried.

4b – Iowa Clinic Phase 3, 5950 University Avenue - Approval of 3 story medical clinic addition and 4 tier parking deck addition – Iowa Clinic West Lakes 1, LLC – MaM-003971-2018

Naura Godar, RDG Planning & Design, 301 Grand Ave, Des Moines, stated the applicant will be constructing an addition to the existing building, and adding a parking structure to compensate for lost parking lot space, and to accommodate additional visitors.

Commissioner Drake asked whether the applicant agrees with the lot tie condition of approval. Ms. Godar replied that they do.

Brian Portz, Development Services Planner, had nothing further to add and recommended approval of the request.

Chairperson Erickson noted there was no audience left and asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the major modification, subject to the applicant meeting all City Code requirements and the following:

1. The applicant submitting a lot tie agreement to tie together the existing lots where the Iowa Clinic is located prior to a building permit being issued for the proposed building addition.

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Vote: Costa, Crowley, Drake, Erickson, Southworth.....Yes
Andersen, Hatfield.....Absent
Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson adjourned the meeting at 6:42 p.m.

Craig Erickson, Chairperson

Recording Secretary